

Dear United States District Court Judges:

Concerning the Court's recent ruling in *Bethune-Hill v. Virginia Board of Elections*, I object to the maps the Court has selected, because they have the effect of gerrymandering legislative districts in favor of the Democratic Party. Your ruling will cause hundreds of thousands of Virginians to be effectively disenfranchised from meaningful political representation. As a native Virginian, I cannot stand idly by and remain silent in the face of such a ruling. It will make Virginia a political monopoly of the Democratic Party, and reduce the competitiveness and responsiveness of its political system, for the reasons more fully set forth by a lawyer in the January 27 Liberty Unyielding commentary, *Bethune-Hill ruling imposes political gerrymander on Virginia voters*, available at <https://libertyunyielding.com/2019/01/27/bethune-hill-ruling-imposes-political-gerrymander-on-virginia-voters/>.

The maps selected by this Court do not simply remedy the effects of any prior gerrymander. They go way beyond that to create and lock in Democratic dominance in the state. They will result in the Democrats controlling both chambers of the legislature, including during the crucial redistricting process. It is not just the fact that these maps will "nearly guarantee" that Democrats will control the House of Delegates in the 2020-21 session, as University of Virginia elections guru Larry Sabato notes it will, or the fact that the court chose the most disadvantageous "map option" for Republicans "in all regions." See Grant Moomaw, *Federal court picks redrawn Va. House map that boosts Democrats' chances of Taking Control*, Richmond Times-Dispatch, Jan. 23, 2019).

It is also the fact that this court's redistricting will give Democrats as many as "60 seats" in the House of Delegates, as observers of both political parties have pointed out. See *Bethune-Hill ruling imposes political gerrymander on Virginia voters*, Liberty Unyielding, Jan. 27, 2019 (moderate Republican lawyer concurs with "center-left" legislative election expert Chaz Nuttycombe about this), *citing* Blue Virginia, *Latest Virginia 2019 Forecast: Republican House and Senate Majorities Looking REALLY Shaky*, Jan 24, 2019, available at <http://bluevirginia.us/2019/01/latest-virginia-2019-forecast-republican-house-and-senate-majorities-looking-really-shaky>.

This is a large enough margin of control that the House of Delegates will be able to pass an ultra-partisan redistricting plan that locks in its dominance in the future, even if doing so requires redrawing districts in a way that inconveniences some Democratic incumbents by giving them substantially different districts than they now have. Delegate Stephen Heretick, despite being a Democrat, has expressed concerns about the map this court adopted, because it switches 80% of his voters to other districts. See Grant Moomaw, *Federal court picks redrawn Va. House map that boosts Democrats' chances of Taking Control*, Richmond Times-Dispatch, Jan. 23, 2019.

If Democrats received a bare majority of seats in the upcoming session, they might not be able to adopt such an ultra-partisan redistricting after the 2020 session, due to defections by delegates like Heretick. But they will receive more than a bare majority of seats, clearly flipping seats such as those currently held by Delegates Jones, Cox, Helsel, and Yancey, including the two most influential Republican leaders (the Speaker and Appropriations Chair). *See Bethune-Hill ruling imposes political gerrymander on Virginia voters*, Liberty Unyielding, Jan. 27, 2019 (citing legislative election expert Chaz Nuttycombe, and Blue Virginia, *Latest Virginia 2019 Forecast: Republican House and Senate Majorities Looking REALLY Shaky*, Jan. 24, 2019).

So Democratic leaders will now be in a commanding position to adopt an ultra-partisan redistricting plan, even if it results in strangely-shaped election districts that violate traditional districting principles like geographic compactness and contiguity. Such ultra-partisan redistricting will enable them to lock in their dominance in the future, even if they receive fewer votes than they do in the upcoming 2019 election.

Meanwhile, the Democrats will almost certainly take control of the State Senate in the 2019 elections, based on a map that was drawn back when Democrats controlled the State Senate, and was designed to favor them. Democrats are expected to pick up more than enough seats to wrest control of the Senate, such as the 13<sup>th</sup> district. *See Bethune-Hill ruling imposes political gerrymander on Virginia voters*, Liberty Unyielding, Jan. 27, 2019 (agreeing with the Blue Virginia article and Nuttycombe about there being two guaranteed pickups for Democrats and an additional very likely pickup).

So, maps will favor Democrats in both chambers of the legislature. These maps are also likely to wipe out the few moderate Republicans that currently remain in the state legislature, leaving a politically polarized body effectively controlled by the Democratic Party's liberal base. Thus, the policies of the legislature will be at odds with those favored by Virginia's great mass of moderate and conservative voters (as the Liberty Unyielding article explains).

The map selected by the court lacks even-handedness. The Virginia General Assembly should be put back in charge of the process. Our destiny should be our own.

Respectfully,

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